

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

FEB 17 2010

AT GREENBELT
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

BY DEPUTY

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

SEARCH WARRANT

Premises owned, maintained,
controlled, or operated by **Virgin**
Mobile USA, L.P., a wireless provider
headquartered at 10 Independence
Boulevard, Warren, New Jersey 07059.

CASE NUMBER: 10-9840

TO: ATF Special Agent Christopher Hermann, and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Christopher Hermann who has reason to believe that on the Premises owned, maintained, controlled, or operated by **Virgin Mobile USA, L.P.**, a wireless provider headquartered at 10 Independence Boulevard, Warren, New Jersey 07059.

in the District of Maryland there is now concealed a certain person or property, namely (describe the person or property)

See Attachment B

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

I further find, based on the facts set forth in the Affidavit submitted herewith, that specific facts have been set forth which justify agents and officers entering into the locations, for purposes of executing the search warrant, without the need to, in advance, knock and announce their presence.

YOU ARE HEREBY COMMANDED to search on or before January 24, 2010
Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) ~~(at any time in the day or night as I find reasonable cause has been established)~~ and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the Honorable William Connelly U.S. Magistrate Judge, as required by law.

January 15, 2010 at Greenbelt, Maryland
Date and Time Issued

2:30 p.m.

William Connelly
William Connelly
United States Magistrate Judge

RETURN

DATE WARRANT RECEIVED

January 15, 2010

DATE AND TIME WARRANT EXECUTED

January 19, 2010 1601 hrs

COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH

Virgin Mobile USA LLC

INVENTORY MADE IN THE PRESENCE OF

INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT

Search Warrant executed via fax to Virgin Mobile USA LLC at (908) 607-4205. Received email response from Virgin Mobile USA LLC on January 20, 2010. Said email contained eight (8) attached evidentiary files, which were copy to one (1) compact disc that was placed into the ATF Hyattsville I vault.

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.



Subscribed, sworn to, and returned before me this date.



U.S. Judge or Magistrate

February 2, 2010

Date

ATTACHMENT A

Place to Be Searched

This warrant applies to information associated with **targeted telephone 202-907-1819, ESN # 03415412063**, that are stored at premises owned, maintained, controlled, or operated by **Virgin Mobile USA, L.P.**, a wireless provider headquartered at Virgin Mobile USA, L.P., 10 Independence Boulevard, Warren, New Jersey 07059.

CH 1/15/10
W.C.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Spring/Nextel.

To the extent that the information described in Attachment A is within the possession, custody, or control of **Virgin Mobile USA, L.P., Virgin Mobile USA, L.P.** is required to disclose the following information to the government for each account or identifier listed in Attachment A:

- a. All voice mail, text, and multimedia messages stored and presently contained in, or on behalf of the account or identifier;
- b. All payment information, including dates and times of payments and means and source of payment (including any credit or bank account number), from July 29, 2008, to present;

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of the statutes listed on the warrant involving **DANIELS, KITTRELL, LUBAR** and others described above, since November 13, 2007. including, for each account or identifier listed on Attachment A, information pertaining to the following matters:

- a. **The sale of illegal drugs, the maintenance of locations for these purposes, the laundering of proceeds obtained from these illegal activities, the unlawful structuring of cash transactions with financial institutions, and communications between the parties identified in the affidavit made in preparation and in furtherance of these illegal activities.**
- b. Records relating to who created, used, or communicated with the account or identifier.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS RECORDS
PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by **Virgin Mobile USA, L.P.**, and my official title is _____. I am a custodian of records for **Virgin Mobile USA, L.P.**. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of **Virgin Mobile USA, L.P.**, and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

- a. All records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. Such records were kept in the ordinary course of a regularly conducted business activity of **Virgin Mobile USA, L.P.**; and
- c. Such records were made by **Virgin Mobile USA, L.P.** as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date,

Signature

Hermann, Christopher D.

From: Watkinson, Bryan [Bryan.Watkinson@virginmobileusa.com] on behalf of Law Enforcement [LawEnforcement@virginmobileusa.com]
Sent: Thursday, January 28, 2010 4:04 PM
To: Hermann, Christopher D.
Subject: 202-907-1819
Attachments: ACC_3-D1QQF09_MIN2029071819_Report05.rtf; ACC_3-D1QQF09_MIN2029071819_072908_092508_SMS.xls; ACC_3-D1QQF09_MIN2029071819_040108_072908_SMS.xls; ACC_3-D1QQF09_MIN2029071819_072408_102408_SMS.xls; ACC_3-D1QQF09_MIN2029071819_111508_022309_SMS.xls; ACC_3-D1QQF09_MIN2029071819_070108_042709_SMS.xls; ACC_3-D1QQF09_MIN2029071819_010109_062209_SMS.xls; ACC_3-D1QQF09_MIN2029071819_071909_081909_SMS.xls

Bryan Watkinson
Subpoena Compliance/Fraud
Virgin Mobile USA
10 Independence Blvd.
Warren N.J. 07059
908-607-4722 (Desk)
908-607-4205 (Fax)

-----Original Message-----

From: Watkinson, Bryan On Behalf Of Fraudopsfax
Sent: Tuesday, January 19, 2010 4:23 PM
To: Law Enforcement
Subject: FW: From " 3013972679"(Fax Message NO.4924)

Bryan Watkinson
Subpoena Compliance/Fraud
Virgin Mobile USA
10 Independence Blvd.
Warren N.J. 07059
908-607-4722 (Desk)
908-607-4205 (Fax)

-----Original Message-----

From: fraudopsfax@virginmobileus.com
[mailto:fraudopsfax@virginmobileus.com]
Sent: Tuesday, January 19, 2010 4:09 PM
To: Fraudopsfax
Subject: From " 3013972679"(Fax Message NO.4924)

This E-mail was sent from "FraudOps" (MPC4500/DSc545).

Queries to: fraudopsfax@virginmobileus.com